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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/915,284

07/27/2001

Henning Hofs

Q65270

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7590

11/03/2004

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EXAMINER

WARE, CICELY Q

ART UNIT

PAPER NUMBER

2634

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/915,284	Applicant(s) HOFS ET AL.	
	Examiner Cicely Ware	Art Unit 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 6 is/are rejected.
- 7) ☒ Claim(s) 3, 5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 07/28/2000. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

### ***Drawings***

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. It is office policy to request from applicants that submitted figures contain both text and numerical labels to allow individuals viewing each figure to be able to determine the designation of each element in the figure without having to go into the specifications.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

a. Pg. 1, line 14, applicant uses the phrase "based o a priority". Examiner suggests using "based on a priority" for clarification purposes.

b. Pg. 5, line 23, applicant uses the phrase "one or other output of".

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Examiner suggests using "one of other outputs of" for clarification purposes.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 10 recites "Clock-pulse supply unit comprising two clock-pulse supply units according to claim 9". Examiner does not find any support for the clock-pulse supply unit comprising two clock-pulse supply units. Therefore the claim has not further treated on the merits.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekiya et al. (US Patent 5,025,310).

(1) With regard to claim 1, Sekiya et al. discloses in (Fig. 3) a clock-pulse supply

unit comprising a phase detector (7) for comparing the phase of a first clock pulse (3) with the phase of a second clock pulse (5), a first receiver unit (2) for receiving the first clock pulse and relaying the first clock pulse to the phase detector, and a second receiver unit (4) which has the same parameters as the first receiver unit and serves to receive the second clock pulse and relay the second clock pulse to the phase detector (7) (col.8, lines 50-52, col. 10, lines 50-55).

(2) With regard to claim 6, claim 6 inherits all the limitations of claim 1. Sekiya et al. further discloses the first and the second receiver unit have the some time delay (col. 10, lines 57-68).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekiya et al. (US Patent 5,025,310) as applied to claim 1 above, in view of Chan et al. (US Patent 6,411,665).

(1) With regard to claim 2, claim 2 inherits all the limitations of claim 1. However Sekiya et al. does not disclose wherein an oscillator is provided for generating the second clock pulse, and a transmitter unit is connected between the oscillator and the

second receiver unit in such a way that the second clock pulse generated in the oscillator is supplied to the second receiver unit via the transmitter unit.

However Chan et al. discloses in (Fig. 1) wherein an oscillator (2) is provided for generating the second clock pulse, and a transmitter unit (9) is connected between the oscillator and the second receiver unit (11, Fig. 6B) in such a way that the second clock pulse generated in the oscillator is supplied to the second receiver unit via the transmitter unit (col. 4, lines 60-63).

Therefore it would have been obvious to one of ordinary skill in the art to modify the Sekiya et al. to incorporate wherein an oscillator is provided for generating the second clock pulse, and a transmitter unit is connected between the oscillator and the second receiver unit in such a way that the second clock pulse generated in the oscillator is supplied to the second receiver unit via the transmitter unit in order to control the clock frequency of the clock signal (Chan et al., col. 4, lines 57-58).

(2) With regard to claim 4, claim 4 inherits all the limitations of claim 2. Chan et al. further discloses in (Fig. 1) wherein the oscillator (2) is designed as a voltage-controlled oscillator whose control voltage is dependent on the output signal of the phase detector (col. 4, lines 49-59).

#### ***Allowable Subject Matter***

9. Claims 3, 5, 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for

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the indication of allowable subject matter: The instant application discloses a clock-pulse-supply unit. Prior art references show similar methods but fail to teach: **“a changeover switch with one input and two outputs is provided, the input of the changeover switch is connected to the output of the transmitter unit, and an output of the changeover switch is connected to an artificial line”, as in claim 3; “a divider is provided, connected between the oscillator and the phase detector, and the divider and the second receiver unit which have a control input for active and passive switching of the divider and the second receiver unit”, as in claim 5; “comprising a reference clock-pulse changeover switch is provided whose output is connected to the output of the first receiver unit, and the reference clock-pulse changeover switch and the first receiver unit which have a control input for active and passive switching of the reference clock-pulse changeover switch and the first receiver unit”, as in claim 7; “comprising the artificial line is suitable for simulation of a system clock-pulse bus”, as in claim 8; “comprising the first receiver unit is suitable for receiving a system clock pulse from a system clock-pulse bus, the changeover switch is suitable for switching the clock pulse received from the transmitter unit to the system clock-pulse bus, and the reference clock-pulse changeover switch is suitable for supplying to the phase detector at least one reference clock pulse, the frequency of which is lower than the frequency of the system clock pulse”, as in claim 9.**

**Conclusion**

10. The prior art made record of and not relied upon is considered pertinent to applicant's disclosure:

a. Bernhardt US Patent 4,559,529 discloses an antitheft system with digitally coded signal.

b. Kazama et al. US Patent 4,227,251 discloses a clock pulse regenerator.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 571-272-3047. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

**Cicely Ware**

cqw  
October 27, 2004

  
AMANDA T. LE  
PRIMARY EXAMINER